UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,271	08/24/2001	Anne Lafage	PHFR 000078	2592

24737 7590 01/10/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS	EDWARDS, PATRICK L	
P.O. BOX 3001		
BRIARCLIFF MANOR, NY 10510	ART UNIT	PAPER NUMBER
	2621	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 October 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The response received on 14 October 2005 has been placed in the file and was considered by the examiner. An action on the merits follows.

Response to Arguments

2.   The arguments filed on 14 October 2005 have been fully considered. A response to these arguments is provided below.

35 USC 112, Second Paragraph Rejections

Summary of Argument:

Applicant has amended the claims to overcome the 112(2) rejection from the previous office action.

Examiner's Response:

The rejection is hereby withdrawn. Claims will be given their broadest reasonable interpretation.

Prior Art Rejections

Summary of Argument:

Applicant traverses the 102 rejection and alleges that Gratacap does not apply a valid data item in place of an invalid data item as required by the claim. Specifically, applicant alleges the following: "[R]ather than applying a valid data one instead of an invalid one as recited in the claims, discarding of transport packets is repeated throughout the teachings of Gratacap." (see remarks pg. 5).

Examiner's Response:

The examiner disagrees. Applicant has cited a plurality of excerpts from the Gratacap specification where mention is made of discarding a transport packet. For instance, column 32—which the examiner previously cited—states that "the processor 160 modifies the PID filter maps to retain the to-be-retained transport packets and to discard the to-be-discarded transport packets." The specification goes on to recite "Modifications may also be made to pointers of the receipt PID handler subroutine pointer tables ... indexed by PID's of transport packets now to-be-discarded. In the case of a new PID remapping, the processor ... selects appropriate subroutines to perform the new PID remapping." This describes that the pointers of the to-be-discarded transport packets are modified. When a pointer is modified, a different memory address is being accessed, and the old data is replaced with new data. Regardless of how the pointer modification is carried out, the end result is that the memory address that previously referred to an invalid data item is now referring to a different, and valid, data item. This shows that—much like this morning's faulty blue ink pen—an item can be both discarded and replaced.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the

rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Regis Gratacap (USPN 6,195,368

B1). This document will be referred to herein as 'Gratacap' or 'the Gratacap reference'.

With regard to claim 1, which is representative of claim 2, Gratacap discloses an input circuit for forming

successive groups of data.

Gratacap discloses a remultiplexer 30 (shown in Figure 1), which comprises a plurality of remultiplexer

nodes 100 (shown in Figure 4). An individual remultiplexer node, all of which are identical (col. 13 lines 49-51), is

shown in Figure 2 in more detail. The remultiplexer of Gratacap is operable to form transport streams (col. 12 line

60 – col. 13 line 9). The remultiplexer and transport streams disclosed in Gratacap are analogous to the "input

circuit" and "successive groups of data", respectively, as recited in the claim. The transport streams are clearly

described in the Gratacap reference as a group of data (Gratacap col. 3 line 1 – col. 4 line 59).

Gratacap further discloses generating a basic control data item, which indicates for each data item one of a

plurality of terminals to which the data item should be applied (col. 32 lines 27-54 in conjunction with Figure 2).

The transport packets disclosed in Gratacap are analogous to the data items recited in the claim. These transport

packets are what make up the transport stream (col. 3 line 1 – col. 2 line 59). The filter maps disclosed in Gratacap

are analogous to the "basic control data item" recited in the claim, because they indicate the new locations in cache

that the transport packets are applied (i.e. re-mapped). These new locations in the cache as disclosed in Gratacap are

analogous to the terminals as recited in the claim.

Gratacap further discloses an additional control data item (the "status bits" disclosed in Gratacap), which

indicates for each data item (i.e. transport packet), if the data item is valid or invalid (col. 17 lines 22-44).

Gratacap further discloses an interconnection network for applying the successive groups of data (i.e.

transport packets) to the terminals (i.e. locations in cache) in dependence on the basic control data item (ie. PID

filter map) and on the additional control data (i.e. status bits) (col. 32 lines 27-53 of the Gratacap reference).

Gratacap discloses that the valid data items (i.e. transport packets to be retained from col. 32 line 48) are applied

when an existing data item is deemed invalid (i.e. transport packets to be discarded from col. 32 line 51). The valid

data items are selected from the group of data (i.e. the transport stream).

Gratacap further discloses a data processing circuit for processing the data applied to the terminals in order

to obtain an output data item (Gratacap col. 32 lines 6-23). The processor 160 disclosed in Gratacap processes the

data applied to the terminals (i.e. the transport packets stored in the cache) to obtain an output data item (i.e. the output data items which are included in the transmit stream TS3 disclosed in Gratacap .

Referring to claims 4 and 5, the limitations of the claims are addressed in the above rejection to claims 1 and 2, respectively. This limitation is addressed in the paragraph which discusses generating a basic control data item. The new locations in the cache where the transport packets are re-mapped are analogous to the "terminals [1, 2, 3, 4]" recited in the claim.

With regard to claims 3 and 6, computer-readable recording medium that stores a program (i.e. the claimed "computer program product") which causes the computer to execute the steps of a method is essential if the image processing method disclosed in Gratacap is to function. Therefore, a computer program product stored on a computer-readable recording medium is inherently taught by the Gratacap reference.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick L Edwards whose telephone number is (571) 272-7390. The examiner can normally be reached on 8:30am - 5:00pm M-F.
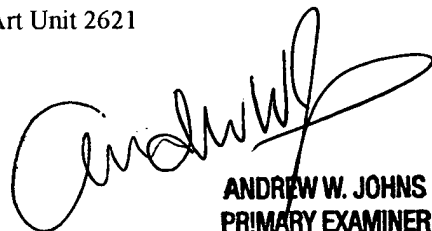
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick L Edwards   Art Unit 2621

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ANDREW W. JOHNS
PRIMARY EXAMINER